

Western Kansas Ground Water Management District 1
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Adopted: 1979

Ground Water Management District #2
Article 22, Regulations
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Adopted: 1983

GROUNDWATER MANAGEMENT-DISTRICT No.1 5.21.1

Articles 11 to 20.-RESERVED

Article 21.-WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

5.21.1. Definitions. As used in these rules and regulations, the following words and phrases shall

have the meaning ascribed to them in this section.

(a) "Board" means the board of directors constituting the governing body of the western Kansas groundwater management district no.1.

(b) "Chief engineer" means the chief engineer of the division of water resources of the Kansas state board of agriculture.

"District" means the western Kansas groundwater management district no.1.

(d) "Authorized representative of the board" means an individual designated by the board to perform duties and functions on its behalf

(e) "Groundwater" means water below the surface of the earth.

(f) "Substantially" means within three hundred (300) feet of the approved location, but in no case closer to other wells than the minimum spacing requirements allow.

(g) "Tailwater" means that portion of the irrigation water applied which. appears as run-off from the land.

(h) "Tailwater re-use systems" means a facility to collect, store and transport irrigation tailwater for reapplication to the authorized place of use.

(I) "Waste of water" means: (1) ground-water which has been diverted or with-drawn from a source of supply which is not used, managed or reapplied to a beneficial use on or in conjunction with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use; (2) any act or omission causing the unreasonable deterioration of the quality of water in any source of supply, thereby causing

impairment of a person's right to the use of water; (3) groundwater which an irrigator permits to escape and drain from the authorized place of use; or (4) groundwater applied to an authorized

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beneficial use in excess of the needs for such use.

(1) "Well" means any excavation that is drilled cored, bored, washed, driven, dug otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater. (Authorized by K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.21.2. Tailwater control and waste. No water user shall allow water which is pumped or diverted from any aquifer to leave the land under the water user's direct supervision and control. If the water is used, the user shall apply the water consistent with the approved application to appropriate water for beneficial use, vested right, or appropriation right All water users shall construct and operate the water distribution systems in a manner as to prevent waste of water, and shall do everything necessary and proper to preserve the quality of the groundwater resources within the district (Authorized by K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.21.3. Well spacing requirements. (a) All well locations described in applications for permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the Ogallala formation shall meet the following well spacing requirements:

- (1) 0 to 10 percent depletion---minimum spacing 1,320 feet
- (2) 11 to 25 percent depletion---minimum spacing 1,650 feet
- (3) 26 to 40 percent depletion---minimum spacing 1,980 feet
- (4) 41 to 50 percent depletion----minimum spacing 2,640 feet

This spacing is determined by the percent of depletion of the aquifer using 1950 as the base year. This shall be determined by actual water level measurements taken annually and developed into a map showing the amount of depletion of the aquifer. The map will be revised whenever the chief engineer and the board find it necessary.

(b) All well locations described in applications to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the Dakota aquifer shall be spaced a minimum of two thousand six hundred forty (2,640) feet from any other well constructed into the same Dakota aquifer.

All wells included in applications to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water shall be a minimum of one thousand three hundred twenty (1,320) feet away from a domestic well constructed into the same aquifer. The only exception shall be those applications which involve only the domestic wells of the applicant or those applications for which the applicant has received written permission from the neighboring well owner.

(d) If it becomes necessary to move an authorized point of diversion, the relocation may be

limited to a three hundred (300) foot radius of the existing well, or a move not to exceed one thousand three hundred twenty (1,320) feet from the originally authorized point of diversion, as long as the move is not violating the minimum spacing as adopted by the board. The three hundred (300) feet shall not apply to changes for approved applications for which the well has not been drilled.

(e) New wells shall be drilled in a location substantially as shown on the approved application and aerial photograph or plat.

(f) Exceptions to this well spacing regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit information as it deems necessary in order to make the determination. (Authorized by K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

Article 22.---EQUUS BEDS GROUND- WATER MANAGEMENT DISTRICT NO.2

5.22.1. Definitions. As used in these rules and regulations, the following words and phrases shall

have the meaning ascribed to them in this section:

(a) "Board" means the board of directors constituting the governing body of the

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beneficial use in excess of the needs for such use.

(j) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater. (Authorized by - 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.21.2. Tailwater control and waste. No water user shall allow water which is pumped or diverted

from any aquifer to leave the land under the water user's direct supervision and control. If the water is used, the user shall apply the water consistent with the approved application to appropriate water for beneficial use, vested right, or appropriation right All water users shall construct' and operate the water distribution systems in a manner as to prevent waste of water, and shall do everything necessary and proper to preserve the, quality of the groundwater resources within the district (Authorized by - K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.21.3. Well spacing requirements. (a) All well locations described in applications for permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the Ogallala formation shall meet the following well spacing requirements:

- (1) 0 to 10 percent depletion---minimum spacing 1,320 feet
- (2) 11 to 25 percent depletion---minimum spacing 1,650 feet
- (3) 26 to 40 percent depletion---minimum spacing 1,980 feet

(4) 41 to 50 percent depletion---minimum spacing 2,640 feet

This spacing is determined by the percent of depletion of the aquifer using 1950 as the base year. This shall be determined by actual water level measurements taken annually and developed into a map showing the amount of depletion of the aquifer. The map will be revised whenever the chief engineer and the board find it necessary.

(b) All well locations described in applications to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the Dakota aquifer shall be spaced a minimum of two thousand six hundred forty (2,640) feet from any other well constructed into the same Dakota aquifer.

All wells included in applications to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water shall be a minimum of one thousand three hundred twenty (1,320) feet away from a domestic well constructed into the same aquifer. The only exception shall be those applications which involve only the domestic wells of the applicant or those applications for which the applicant has received written permission from the neighboring well owner.

(d) if it becomes necessary to move an authorized point of diversion, the relocation may be limited to a three hundred (300) foot radius of the existing well, or a move not to exceed one thousand three hundred twenty (1,320) feet from the originally authorized point of diversion, as long as the move is not violating the minimum spacing as adopted by the board. The three hundred (300) feet shall not apply to changes for approved applications for which the well has not been drilled

(e) New wells shall be drilled in a location substantially as shown on the approved application and aerial photograph or plat.

(f) Exceptions to this well spacing regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit information as it deems necessary in order to make the determination. (Authorized by - 1978 Supp. 82a-1028(o); effective May 1, 1979.)

Article---EQUUS BEDS GROUND-WATER MANAGEMENT DISTRICT NO.2

5.22.1. Definitions. As used in these rules and regulations, the following words and phrases shall

have the meaning ascribed to them in this section:

(a) "Board" means the board of directors constituting the governing body of the

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equns beds groundwater management district no.2.

(b) "District" means the equns beds groundwater management district no.2

"Well" means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(d) "Waste of water" means: (1) ground-water which has been diverted or with-drawn from a source of supply which is not used or reapplied to a beneficial use on or in connection with land

authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use; (2) any act or omission causing the unreasonable deterioration of the quality of water in any source of supply thereby causing impairment of a person's right to the use of water; (3) groundwater which an irrigator permits to escape and drain from the authorized place of use; or (4) water applied to an authorized beneficial use in excess of the needs for such use. (Authorized by K.S.A.1978 Supp. 82a-1028(o); effective May 1, 1979.)

5-22.2. Well spacing, The minimum well spacing for well locations described in applications for permit to appropriate water for beneficial use or for application for approval to change the point of diversion shall be one-fourth (1/4) mile, except for the spacing from domestic wells. Exceptions to the well spacing requirement may be recommended to the chief engineer if it is proven to the satisfaction of the board that any closer well spacing neither will impair a use under an existing right nor prejudicially and unreasonably affect the public interest (Authorized by K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5-22.3. Waste of water. It shall be a violation of these rules and regulations for any person, private corporation, public corporation, municipality, company, institution, township, county, state agency or federal agency to waste water as defined in these regulations. (Authorized by K.S.A. 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.22.4. Metering, Each meter, gauge, or other measuring device required by the district shall meet the minimum specification: adopted by the board. It shall be the responsibility of the owner or user of the measuring device to: (a) insure that the meter is properly installed as recommended by the manufacturer; and (b) maintain the meter and to insure that the meter is in good working condition whenever the diversion works are in use.

A representative of the district shall have the right to read the meter, gauge, or other measuring device whenever deemed necessary. (Authorized by- 1978 Supp. 82a-1028(o); effective May 1, 1979.)

5.22.5 Reporting water use. The board may require any or all water users to file a report of water

use for each well or water right during each calendar year on forms provided by the district Such reports shall include any information deemed necessary and reasonable by the board, and shall be received by the district no later than ninety (90) days following the end of each calendar year. (Authorized by K.S.A . 1979 Supp. 82a-1028(o), 82a-1030; effective May 1, 1980.)

5.22-6. Procedures for non-compliance with rules and regulations. The equus beds groundwater management district no.2, its board or manager, any eligible voter within the district, or any person residing within the district that is at least eighteen (18) years of age may file a written complaint with the district alleging a violation of these rules and regulations, the management program, the groundwater management district act (K.S.A. 82a-1020 et seq.), or the water appropriation act (K.S.A. 82a-701 et seq.). The written complaint shall be filed at the district office.

Within thirty (30) days following the filing of the complaint, a representative of the district designated by the board shall investigate the complaint If the representative of the district finds that a violation has existed or does exist, the representative shall issue a written directive to the violator stating the nature of the violation and directing the violator to come into 206

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If the violator fails to comply with the directive of the representative, the district may:

- (1) seek to enjoin the violator's use of water by suitable action in district court until such time as the violator complies; or
- (2) seek the assistance of the chief engineer and the attorney general of the state of Kansas to enjoin the violator's use of water until such time as the violator complies. (Authorized by K.S.A. 1979 Supp. 82a-1028(n), 82a-1028(o); effective May 1, 1980.)

5.22.7. Safe yield. (a) The approval of all applications for permit to appropriate water for beneficial use, except those for domestic use, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria The sum of the proposed appropriation, the vested rights, prior appropriation rights and earlier priority applications shall not exceed 4,025 acre feet within a two mile radius circle whose center is the location of the proposed well. It shall be assumed, for purpose of analysis, that all prior applications, permits, certificates and vested rights are being fully exercised. All limitation clauses listed on permits and certificates shall be considered to be in force.

If part of the area within the two mile radius circle about the proposed well is outside the district boundary or inside an intensive groundwater use control area, the 4,025 acre-feet quantity of water referred to above shall be reduced proportionately by the percentage of acreage lying outside the district boundary or inside an intensive groundwater use control area Likewise, the vested rights, prior appropriations and earlier priority applications ascribed to wells within the circle shall only be considered if they are within the district and not within an intensive groundwater use control area.

If a group of wells authorized under a vested right, appropriation, or application are divided by the arc of the two mile circle, then a reasonable quantity of water shall be assigned to each well or wells based upon the best available information. During the evaluation, the center of the two mile radius circle may be moved around the proposed

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well location within a 300 foot radius to obtain the minimum level of prior appropriations within the two mile radius circle. In the case of an application for a change in the point of diversion referred to above, all applications with a priority earlier than the priority established by the filing of the application of change shall be included in the analysis.

(b) Exceptions to this regulation may be granted if it is proven to the satisfaction of the board and the chief engineer that those exceptions neither will impair a use under an existing right, nor prejudicially and unreasonably affect the public interest (Authorized by K.S.A. 1982 Supp. 82a-1028(0); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

Article 23-SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.3

5.23.1. Definitions. As used in these rules and regulations, the following words and phrases shall have the following meanings. (a) Abandoned well means:

- (1) A well for which all intended uses have been permanently discontinued; or

- (2) Any well that is in such a state of disrepair that using it for the purpose of obtaining groundwater is impracticable.
- (b) Board means the board of directors constituting the governing body of the southwest Kansas groundwater management district no.3.

Confined aquifer means:

- (1) An aquifer overlain and underlain by impermeable layers; or
- (2) An aquifer in which the groundwater is under pressure greater than atmospheric pressure and which will rise in a well above the point at which it is first encountered
- (d) District means the southwest Kansas groundwater management district no.3.
- (e) Substantially means within 300 feet of the approved location, but in no case closer to other wells than the minimum spacing requirements allow.
- (I) Tailwater means that portion of the applied irrigation water which becomes runoff from the authorized place of use.
- (g) Tailwater re-use system means a facility to collect, store and transport irrigation

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If the violator fails to comply with the directive of the representative, the district may:

- (1) seek to enjoin the violator's use of water by suitable action in district court until such time as the violator complies; or
- (2) seek the assistance of the chief engineer and the attorney general of the state of Kansas to enjoin the violator's use of water until such time as the violator complies. (Authorized by K.S.A. 1979 Supp. 82a-1028(n), 82a-1028(o); effective May 1,1980.)

5.22.7 Safe yield. (a) The approval of all applications for permit to appropriate water for beneficial use, except those for domestic use, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria. The sum of the proposed appropriation, the vested rights, prior appropriation rights and earlier priority applications shall not exceed 4,025 acre-feet within a two mile radius circle whose center is the location of the proposed well. It shall be assumed, for purpose of analysis, that all prior applications, permits, certificates and vested rights are being fully exercised. All limitation clauses listed on permits and certificates shall be considered to be in force.

If part of the area within the two mile radius circle about the proposed well is outside the district boundary or inside an intensive groundwater use control area, the 4,025 acre-feet quantity of water referred to above shall be reduced proportionately by the percentage of acreage~lying outside the district boundary or inside an intensive groundwater use control area. Likewise, the vested rights, prior appropriations and earner priority applications ascribed to wells within the circle shall only be considered if they are within the district and not within an intensive groundwater use control area.

If a group of wells authorized under a vested right, appropriation, or application are divided by the arc of the two mile circle, then a reasonable quantity of water shall be assigned to each well or wells based upon the best available information. During the evaluation, the center of the two mile radius circle may be moved around the proposed

well location within a 300 foot radius to obtain the minimum level of prior appropriations within the two mile radius circle. In the case of an application for a change in the point of diversion referred to above, all applications with a priority earlier than the priority established by the filing of the application of change shall be included in the analysis.

(b) Exceptions to this regulation may be granted if it is proven to the satisfaction of the board and the chief engineer that those exceptions neither will impair a use under an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 1982 Supp. 82a-1028(o); implementing K.S.A. 1982 Supp. 82a-1028(n); effective May 1, 1983.)

Article 23-SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.3

5.23.1. Definitions. As used in these rules and regulations, the following words and phrases shall have the following meanings. (a) Abandoned well means:

- (1) A well for which all intended uses have been permanently discontinued; or
- (2) Any well that is in such a state of disrepair that using it for the purpose of obtaining groundwater is impracticable.

(b) Board means the board of directors constituting the governing body of the southwest Kansas groundwater management district no.3.

Confined aquifer means:

- (1) An aquifer overlain and underlain by impermeable layers; or
- (2) An aquifer in which the groundwater is under pressure greater than atmospheric pressure and which will rise in a well above the point at which it is first encountered.

(d) District means the southwest Kansas groundwater management district no.3.

(e) Substantially means within 300 feet of the approved location, but in no case closer to other wells than the minimum spacing requirements allow.

(f) Tailwater means that portion of the applied irrigation water which becomes run-off from the authorized place of use.

(g) Tailwater re-use system means a facility to collect, store and transport irrigation tailwater for reapplication to the authorized place of use.

(h) Unconfined aquifer means an aquifer containing free groundwater in which the groundwater is at atmospheric pressure and the upper surface of the aquifer is the water table.

(I) Waste of water means:

(1) Groundwater which has been diverted or withdrawn from a source of supply and which is not used, managed or reapplied to a beneficial use on or in conjunction with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use;

(2) Any act or omission causing the unreasonable deterioration of the quality of water in any source of supply, thereby causing impairment of a person's right to the use of water;

(3) Groundwater which an irrigator permits to escape and drain from the authorized place of use; or

(4) Groundwater applied to an authorized beneficial use in excess of the needs for such use,

(j) Well means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(k) Aquifer means a geologic water-bearing formation that will yield water in sufficient quantity in supply pumping wells and springs.

(m) Consolidated rocks means mineral particles of different sizes and shapes that have been welded by heat and pressure or by chemical reactions into a solid mass, commonly referred to as bedrock, which may, or may not, contain water.

(n) Unconsolidated aquifer means unconsolidated deposits that will yield water in sufficient quantity to supply pumping wells and springs,

(o) Unconsolidated deposits means material derived from the disintegration of consolidated rocks, including clay, silt, sand, gravel and caliche, which may, or may not, contain water, (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985.)

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tion tailwater for reapplication to the authorized place of use.

(h) Unconfined aquifer means an aquifer containing free groundwater in which the groundwater is at atmospheric pressure and the upper surface of the aquifer is the water table.

(I) Waste of water means:

(1) Groundwater which has been diverted or withdrawn from a source of supply and which is not used, managed or reapplied to a beneficial use on or in conjunction with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use:

(2) Any act or omission causing the unreasonable deterioration of the quality of water in any source of supply, thereby causing impairment of a person's right to the use of water;

(3) Groundwater which an irrigator permits to escape and drain from the authorized place of use; or

(4) Groundwater applied to an authorized beneficial use in excess of the needs for such use.

(1) Well means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(k) Aquifer means a geologic water-bearing formation that will yield water in sufficient quantity to supply pumping wells and springs.

(1) Consolidated aquifer means consolidated rocks that will yield water in sufficient quantity to supply pumping wells and springs.

(m) Consolidated rocks means mineral particles of different sizes and shapes that have been welded by heat and pressure or by chemical reactions into a solid mass, commonly referred to as bedrock, which may, or may not, contain water.

(n) Unconsolidated aquifer means unconsolidated deposits that will yield water in sufficient quantity to supply pumping wells and springs.

(o) Unconsolidated deposits means material derived from the disintegration of consolidated rocks, including clay, silt, sand, gravel and caliche, which may, or may not, contain water.

(Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985.)

5.23.2. Tailwater control and waste. No water user shall allow waste of water. If the water is re-used, the user shall apply the water consistent with the approved application to appropriate

water for beneficial use, vested right or appropriation right. All water users shall construct and operate the water distribution systems in a manner as to prevent the waste of water, and shall do everything necessary and proper to preserve the quality of the groundwater resources within the district (Authorized by K.S.A 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 Supp. 82a-1028(n); effective May 1, 1981.)

5.23.3. Well spacing requirements. (a) All well locations described in applications for a permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the unconsolidated aquifer, commonly described as the Ogallala aquifer, or an alluvial aquifer, or both, shall be placed so that spacing between that well and all other nondomestic wells with a diversion rate of 51 gallons per minute or more meets the following well spacing requirements:

- (1) The minimum spacing of wells with a diversion rate of from 51 to 400 gallons per minute shall be 1,300 feet.
- (2) The minimum spacing of wells with a diversion rate in excess of 400 gallons per minute shall be 2,300 feet.

(b) All well locations described in applications for a permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from a consolidated bedrock aquifer shall be located in an area in which there is a distinct impermeable separation between the consolidated aquifer and the overlying unconsolidated aquifer, and shall meet the following well-spacing requirements from all other nondomestic wells:

- (1) The minimum spacing between consolidated wells approved for more than 100

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acre feet per year shall be two miles. For wells approved for 25 through 100 acre feet per year, the spacing shall be one mile, and for wells approved for less than 25 acre feet per year, the spacing shall be 2,300 feet

(2) The minimum spacing between a well tapping a consolidated aquifer and a well tapping an unconsolidated aquifer shall be 300 feet

(3) The minimum spacing between a consolidated well approved for more than 100 acre feet per year and the nearest known point of hydraulic contact with an unconsolidated aquifer shall be five miles. For wells approved for 25 through 100 acre feet per year, the spacing shall be two miles and for wells approved for less than 25 acre feet per year, there shall be no spacing requirement

In addition to the spacing requirements, all consolidated aquifer wells that also penetrate an unconsolidated aquifer shall be sealed off between the consolidated and the unconsolidated aquifer in such a manner as to prevent migration of water between the aquifers.

The location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 1,320 feet from the originally authorized point of diversion and shall:

- (1) Not decrease the distance to other wells or authorized well locations by more than 300 feet; or
- (2) meet the minimum well spacing requirements as adopted by the board. However, any application for approval to change the point of diversion under an approved application for which

the original well has not been drilled shall not be approved if the location of the proposed point of diversion decreases the distance from the approved location to any other existing wells to less than the spacing requirement for new applications. Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the chief engineer. The board may require the applicant to submit information as it deems necessary to make the determination. (Authorized by K.S.A. 82a-1028(o);

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implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985.)

5.23.4. Aquifer depletion. (a) The approval of all applications for a permit to appropriate water for beneficial use from the unconsolidated Ogallala aquifer, except those for domestic use and those requesting less than 25 acre-feet per calendar year, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria.

(1) The proposed appropriation, when added to the vested rights, prior appropriation rights and earlier priority applications shall not exceed a calculated rate of depletion of more than 40 percent in 25 years of the saturated thickness underlying the area included within a two mile radius (approximately 8,042 acres) of the proposed well.

(2) For the purpose of analysis, all vested rights, certificates, permits and prior unapproved applications shall be considered to be fully exercised and all limitation clauses listed on permits to appropriate water and certificates shall be considered to be in force.

(3) In the case of an application for change in the point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis.

(4) The allowable annual appropriation shall be calculated using the following formula:

$$Q - 0.40 \frac{(AMS)}{25} + AR \frac{12}{12}$$

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Q - allowable; annual appropriation acre feet per year

A - area of consideration, acres

M - average saturated thickness, feet

S - Storage coefficient (specific yield)

R - average annual recharge, and return flow from irrigation, inches per year

(5) The average saturated thickness of the 8,042 acre area shall be determined from maps developed by the United States geological survey, the Kansas geological survey, or other reliable information.

(6) (A) The average saturated thickness of the two mile radius circle for a well proposed to be located in the west ½ townships 33, 34 and 35 south, range 28 west; the east ½ of township 33

south, range 29 west; all of townships 34 and 35 south, ranges 29 and 30 west in Meade County, Kansas; and all of townships 34 and 35 south, range 31 and 32 west and the east ½ of townships 34 and 35 south, range 33 west in Seward County, Kansas, shall be limited to that portion of the saturated thickness containing less than 250 milligrams per liter of chlorides.

(B) Each application within this area shall include a driller's log, an electric log, and an analysis of a water sample taken from the bottom 20 feet of saturated thickness of the Ogallala aquifer. If such sample contains concentrations of chlorides of more than 250 milligrams per

liter, additional samples of water shall be taken from selected depths which shall be sufficient to determine the location of water containing more than 250 milligrams per liter chlorides. Wells drilled in this area shall be constructed as they do not penetrate into that portion of the aquifer containing concentrations of chlorides of more than 250 milligrams per liter.

(7) The storage coefficient used shall be 15 percent. A value of one inch per year shall be used for recharge and return flow from irrigation.

(8) If part of district radial area is outside the district boundary, it shall be excluded from the depletion analysis. Only that portion lying within the boundary of the district shall be a part of the evaluation.

(9) If wells authorized under a vested right, a certified water right or a permit to appropriate water are divided by the circumference of the radial area, the authorized quantity of water shall be assigned to each well. If specific quantities are not authorized, for each well, a proportional amount shall be assigned to each well.

(b) Exceptions to this regulation may be granted on an individual basis by recommendation by the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit information necessary in order to make the determination. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1986.)

5.23.5. Applications and water use limitations. Applications for permit to appropriate water for beneficial use shall not be:

(a) Approved for a quantity of water in excess of an average of two (2) acre-feet per acre of land shown on an application for irrigation purposes.

(b) Approved for a quantity of water or rate of diversion for any purposes in excess of the reasonable needs of the applicant as determined by the board in conjunction with the chief engineer.

Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit information as it deems necessary in order to make the determination. The board may also require that an alternative plan of development be implemented and written into the permit in order to protect existing water rights and groundwater resources in the vicinity of the proposed application. (Authorized by K.S.A 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 1980 Supp. 82a-1028(n); effective May 1, 1981.)

5.23.6. Measuring devices. Whenever the board requires that a meter, gauge, or other measuring device be installed on the diversion works for a well, it shall be the responsibility of the owner or user to:

(a) Insure that the meter, gauge, or measuring device is installed according to specifications adopted by the chief engineer; and

b) maintain the meter, gauge, or measuring device, to insure proper working condition whenever the diversion works are in use.

A representative of the district shall have the right to inspect the meter to determine whether It Is properly installed, and to read the meter, gauge, or other measuring device whenever deemed necessary. (Authorized by K.S.A 82a-1028(o); implementing K.S.A. 82a-1028(l); effective May 1, 1981; amended May 1, 1985.)

5-23-7 and 523-8 (Authorized by K.S.A. 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 Supp. 82a-1028(n); effective May 1, 1981; revoked May 1, 1985.).

5-23-9 Capping of open or uncovered wells. Any owner of land within the district, upon which is located any open or uncovered well which has not been abandoned for all intended use shall be required to cap such well with an air and watertight covering capable of sustaining a weight of not less than six hundred (600) pounds, except when said well is in actual use by the owner or operator. No such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement. (Authorized by K.S.A. 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 Supp. 82a-1028(n); effective May 1, 1981.)

5-23-10 Reserved.

5-23-11. Procedures for non-compliance with rules and regulations. The district, its board or manager, any eligible water within the district, or any person residing within the district that is at least eighteen (18) years of age, may file a written complaint with the district alleging a violation of these rules and regulations, the management program, the groundwater management district act (K.S.A. 82a-701 et seq.). The written complaint shall be filed at the district office. Within thirty (30) days following the filing of the complaint, a representative of the district designated by the board shall investigate the complaint. If the representative of the district finds that a violation has existed or presently exists, the representative shall issue a written directive to the violator stating the nature of the violation and directing the violator to come into compliance with these rules and regulations.

If the violator fails to comply with the directive, the district may; (1) Seek to enjoin the violator's use of water by suitable action in district court until such time as the violator complies; or (2) Seek the assistance of the chief engineer and the attorney general of the state of Kansas to enjoin the violator's use of water until such time as the violator complies. (Authorized by K.S.A. 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 Supp. 82a-1028(n); effective May 1, 1981.)

Article 24---NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO.4

5.24.1. Definitions. As used in these rules and regulations, the following words and phrases shall

have the following meanings. (a) Board means the board of directors constituting the governing body of the northwest Kansas groundwater management district no.4.

(b) District means the northwest Kansas groundwater management district no.4.

Series of wells means a group of not more than three wells that:

- (1) are filed on separate applications;
- (2) are in the same local source of supply;
- (3) are within a 300 foot radius circle;
- (4) supply water to a common distribution system; and
- (5) do not exceed a maximum of 250 gallons per minute per well.

(d) Tailwater means that portion of the applied irrigation water which becomes run-off from the authorized place of use.

(e) Well means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(f) Saturated thickness means the thickness of an aquifer which is saturated by groundwater. The measurement shall be the difference between the elevations of the recovered static water table and the top of the bedrock formation.

(g) Waste of water means:

(1) Groundwater which has been diverted or withdrawn from a source of supply and which is not used, managed or reapplied to a beneficial use on or in conjunction with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use;

(2) any act or omission causing the un